



National Center for Homeless Education
Supporting the Education of Children
and Youth Experiencing Homelessness
<https://nche.ed.gov>



Connecting Schools and Displaced Students Brief Series

What Relief Agencies Should Know About the Educational Rights of Children and Youth Displaced by Disasters

This NCHE brief

- explains the importance of school attendance for children and youth who have lost their homes due to a disaster;
- provides an overview of the federal law that guarantees educational rights of children and youth experiencing homelessness;
- offers strategies for increasing coordination and collaboration between relief agencies and local educational agencies (LEAs) and school districts before a disaster occurs, during a disaster, and after a disaster; and
- lists resources to assist relief agencies in supporting families displaced by disasters.

Introduction

Disasters, such as floods, fires, and storms, can devastate communities and the lives of people who live in them. After disasters, displaced families long to return to a sense of normalcy, so reconnecting children and youth to school is especially important during this time. By providing the structure of an educational setting, schools can help children and youth overcome the trauma of a disaster and regain their academic and social stability. Once children are safely in school, parents have the peace of mind and freedom to focus on other post-disaster details to help their families recover.

This brief is directed towards relief agencies. These agencies play a critical role in connecting families, children, and youth who have been displaced by disasters to needed services, including enabling children and youth to continue their education. By understanding the educational services and supports that are guaranteed under federal law for children and youth experiencing homelessness, relief agencies will be able to coordinate more effectively with schools and school districts (also known as local educational agencies or LEAs) after a disaster occurs in their community.

The McKinney-Vento Act

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, reauthorized in 2015 by Title IX, Part A of the Every Student Succeeds Act (42 U.S.C § 11431 *et seq.*; hereafter referred to as the McKinney-Vento Act), ensures educational protections for children and youth in homeless situations, including those who have become homeless due

McKinney-Vento Definition of Homeless 42 U.S.C. § 11434a(2)

The term “homeless children and youth”—

A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and

B. includes —

- i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...;
- iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- iv. migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

to a disaster. The McKinney-Vento Act provides stability and support for children and youth by requiring public schools to enroll eligible children and youth immediately, assess their needs, and provide or refer them to additional services, as needed.

(For an overview of children and youth experiencing homelessness, review the National Center for Homeless Education (NCHE) brief *Children and Youth Experiencing Homelessness: An Introduction to the Issues* at <https://nche.ed.gov/wp-content/uploads/2018/10/introduction.pdf>.)

McKinney-Vento Eligibility

Children and youth who experience homelessness as the result of a disaster often live in a variety of unstable, temporary arrangements. The McKinney-Vento Act's definition of *homeless* (42 U.S.C. § 11434a(2)) includes a range of living situations that are not fixed, regular, and adequate and, therefore, qualify as homeless (see the McKinney-Vento Definition of Homeless text box on page 1 for the complete definition). Accommodations set up by relief and community agencies may qualify, as well. Children and youth who are displaced by disasters generally will meet the McKinney-Vento definition of homeless, yet each child's, youth's, and family's situation must be reviewed by the LEA's local homeless liaison (or designee) on a case-by-case basis for an appropriate determination of eligibility for services.

The Local Homeless Education Liaison: A Key LEA Contact

The McKinney-Vento Act requires every school district or LEA to appoint a staff member as the local homeless education liaison (hereafter referred to as the local liaison or liaison) (42 U.S.C. § 11432(g)(1)(J)(ii)).

According to the McKinney-Vento Act (42 U.S.C. § 11432(g)(6)), local liaisons must ensure that

- eligible children and youth are identified through school personnel and in collaboration with community agencies;
- eligible children and youth enroll in, and have full and equal opportunity to succeed in school;
- eligible children and youth and their families receive educational services for which they are eligible, including Head Start and pre-school programs administered by the school district, as well as referrals to health, mental health, dental, and other appropriate services;
- public notice of the educational rights of students in homeless situations is disseminated where children and youth and their families receive services;
- enrollment disputes are mediated promptly and in accordance with the McKinney-Vento Act; and
- parents, guardians, and unaccompanied youth

experiencing homelessness are informed of and assisted in accessing all pupil transportation services, including to and from the school of origin.

School Stability

For children and youth who become homeless as the result of a disaster, the destabilizing impact of losing a home is exacerbated by changing schools. Each time children and youth change schools, the disruptive effects intensify, threatening their social, emotional, and academic wellbeing. The McKinney-Vento Act

- requires school districts to presume that keeping students in their school of origin is in their best interest, unless this is against the parent's or guardian's wishes ((42 U.S.C. § 11432(g)(B)(i)). *School of origin* is defined as "the school the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool" (42 U.S.C. § 11432(g)(3)(I)).

When making a best interest determination for where a child or youth experiencing homelessness should attend school, LEAs must consider student-centered factors, including factors related to the impact of mobility on the student's achievement, education, health, and safety, giving priority to the request of the parent or guardian or (in the case of an unaccompanied youth) the youth (42 U.S.C. § 11432(g)(3)(B)(ii)).

- permits children and youth to remain in the school of origin for the duration of their homelessness and until the end of any academic year in which they move into permanent housing (42 U.S.C. § 11432(g)(3)(A)(i)).

Supports for Students Experiencing Homelessness as the Result of a Disaster

Did you know that students experiencing homelessness, including those who become homeless as the result of a disaster, can

- remain in their school of origin, if it is their best interest, even if the family has relocated temporarily to an area outside of the school district or state?
- enroll in school, even if they do not have records normally required for enrollment?
- receive a wide range of services at their school, including the provision of school supplies, academic support, free meals, counseling, and referrals to community supports?
- requires school districts to provide transportation to and from the school of origin at the request of the parent or guardian, or, in the case of an

unaccompanied youth, at the request of the local liaison (42 U.S.C. § 11432(g)(1)(J)(iii)).

- requires a school to provide a written explanation of its decision and the right to appeal if there is a disagreement between the parent, guardian, or unaccompanied youth and the school related to eligibility, school selection, or enrollment in a school (42 U.S.C. § 11432(g)(3)(E)(ii)). In the event of a dispute, the school must enroll the child or youth immediately in the school requested (either the school of origin or the local school) while the dispute is being resolved (42 U.S.C. § 11432(g)(3)(E)).
- requires state educational agencies and school districts to develop, review, and revise policies to remove barriers to the enrollment and retention of children and youth in homeless situations (42 U.S.C. § 11432(g)(1)(I)).

Immediate School Enrollment

Children and youth experiencing homelessness may enroll in any public school in the attendance area where they are staying that nonhomeless students who live in the attendance area are eligible to attend (42 U.S.C. § 11432(g)(3)(A)(ii)). However, families, children, and youth who have lost their housing due to a disaster often cannot provide the documents ordinarily required for school enrollment. Immediately enrolling these children and youth in school provides stability and keeps them from missing school while documents are being gathered.

The McKinney-Vento Act requires

- schools to enroll eligible children and youth immediately, even if they do not have required documents, such as school records, medical records, proof of residency, or legal guardianship (42 U.S.C. § 11432(g)(3)(C)(i)). The term *enroll* is defined as “attending classes and participating fully in school activities” (42 U.S.C. § 11434a(1)).
- enrolling schools to immediately contact the school last attended by the child or youth to obtain relevant academic and other records (42 U.S.C. § 11432(g)(3)(C)(ii)). Students must be enrolled in school while records are being obtained. Often after disasters, the transfer of records may be delayed or even impossible because records have been damaged or destroyed. In this case, schools should create new student files and seek to make appropriate placements based on information gathered from parents, children, and youth. (For more information on enrolling students, see NCHE’s brief, *Enrolling Children and Youth Experiencing Homelessness in School* at <https://nche.ed.gov/wp-content/uploads/2018/10/enrollment.pdf>.)
- the local liaison to assist immediately in obtaining immunizations or immunization or medical records for those students who do not have them (42 U.S.C. § 11432(g)(3)(C)(iii)). Students must be enrolled

in school in the interim. Some state public health departments have established databases to assist in the retrieval of immunization information.

Increasing Coordination with LEAs: Strategies for Relief Agencies

LEAs and relief agencies are encouraged to work together to develop or expand a school district’s emergency operations plan to identify processes and policies to address prevention, protection, mitigation, response, and recovery efforts as they relate to children and youth who are homeless or displaced. By having plans in place to keep students and staff safe, relief agencies and LEAs can play a key role in taking preventative and protective measures to stop an emergency from occurring or reduce the impact of a disaster.

Federal guidance on developing such plans corresponding to before, during, or after an emergency or disaster can be found in the *Guide for Developing High-Quality School Emergency Operations Plans* at https://rems.ed.gov/docs/School_Guide_508C.pdf. Such plans can serve to marshal staff and resources on short notice in a time of emergency or disaster.

Following are additional tips for relief agencies to increase coordination with LEAs related to disaster response.

Before a Disaster

- Identify the local liaison in the school district(s) in the community your agency serves.
- Set up a meeting with the local liaison(s) to discuss what services each school district provides to families, children, and youth displaced by disasters, and what processes are needed to ensure efficient coordination in a time of disaster.
- Learn about the provisions of the McKinney-Vento Act that ensure immediate enrollment in school for children and youth experiencing homelessness, including those who have become homeless as the result of a disaster, and their right to remain in their school of origin. Request to participate in LEA McKinney-Vento trainings.
- Become familiar with LEA enrollment processes and determine ways that your agency’s intake process can facilitate school enrollment, including using a consent form to share necessary information with LEA or school staff.
- Initiate or participate in a disaster task force that includes representation from all agencies and school districts in the community to develop a coordinated approach to addressing needs of families in the event of a disaster.
 - ◊ Develop a written plan that the group reviews periodically.
 - ◊ Create a manual and/or a website for resources.

- ◊ Plan a system of communication if there is no electricity or Internet access.

Relief Agency To-Do List

- Contact the local liaison in LEAs served by your agency.
- Ensure that agency staff members are familiar with the rights and services guaranteed to children and youth experiencing homelessness by the McKinney-Vento Act.
- Include consent to share information with schools/LEAs in agency intake forms.
- Develop a plan for coordination with schools/LEAs when a disaster occurs.

During a Disaster

- Post notice of the educational rights of children and youth experiencing homelessness to ensure that families and youth are aware of the rights and services provided by schools through the McKinney-Vento Act. Posters are available through NCHE at <https://ncchehelpline.org/>.
- Encourage families to keep their children in school, either by continuing to attend their school of origin or enrolling in the local school. Provide contact information for the local liaison, who will provide more information about the McKinney-Vento Act and the supports available through schools.
- Invite local liaisons to meet families experiencing homelessness served by your agency and to conduct the school enrollment process on site, especially if large numbers of displaced families are receiving services at your agency.
- Assist schools in providing transportation, food, and supplies for families, children, and youth who have become homeless due to a disaster.
- Assist with crisis counseling and trauma support for displaced families and school staff.
- Develop an efficient referral process for local liaisons to connect displaced families with housing, food, medical, and other resources.

After a Disaster

- Continue to serve families displaced by disaster who may move between temporary living arrangements as they recover from losing their housing; regaining permanent housing may take time.
- Ensure that recovery teams are familiar with rights and services for families experiencing homelessness under the McKinney-Vento Act; connect the teams to

LEA trainings and resources.

- Once the immediate crisis has abated, meet with the local liaisons in the communities you serve and discuss what went well and what needs to be improved in coordinating services for families, children, and youth displaced by disaster.

NCHE Resources

The National Center for Homeless Education (NCHE) operates the U.S. Department of Education's technical assistance center for the federal Education for Homeless Children and Youth (EHCY) Program. NCHE provides publications and trainings (on site and online via tutorials and webinars) on a variety of homeless education issues, as well as customized technical assistance through its homeless education helpline (800-308-2145 or homeless@serve.org).

- For general information on topics related to children and youth experiencing homelessness, visit the NCHE website at <https://ncche.org/>.
- NCHE has developed briefs on a wide range of topics that impact children and youth experiencing homelessness, available at <https://ncche.org/resources/>.
- NCHE has two additional briefs in this three-part series called *Connecting Schools and Displaced Students*:
 - *What School District Administrators Should Know About the Educational Rights of Children and Youth Displaced by Disasters* (https://ncche.org/wp-content/uploads/2022/12/csds_admin.pdf)
 - *Meeting the Educational Needs of Students Displaced by Disasters: Youth on Their Own* (https://ncche.org/wp-content/uploads/2022/12/csds_youth.pdf)
- NCHE has posted tutorials at <https://ncche.org/self-paced-online-training/> and a schedule of free webinars at <https://ncche.org/group-training/>.
- Handbooks that comprise the *Connecting Schools and Displaced Students* series can be ordered at <https://ncchehelpline.org/>. The handbooks explain how the McKinney-Vento Act applies to children and youth displaced by disaster and how the Act can assist these students and their families. The series targets parents, relief agencies, and educators, and includes:
 - *After the Storm: Information for Parents on How Schools Can Help After Disasters (A Handbook for Parents)*
 - *Disaster Relief Agencies and Schools: Working Together to Ensure School Enrollment and Success*

- *From the School Office to the Classroom: Strategies for Enrolling and Supporting Students Experiencing Homelessness*
- *School as a Safety Net: Connecting Displaced Children With Educational and Support Services (A Handbook for Relief Agency Staff and Volunteers)*
- NCHE's Disaster Preparation and Response webpage (<https://nche.ed.gov/disaster-preparation-and-response/>) provides links to additional NCHE resources, information on helping students cope with disasters, and federal resources.

Reference

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11431 et seq. (1987 & rev. 2015).
<https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>

This brief was developed by:

National Center for Homeless Education
800-308-2145 | homeless@serve.org
<https://nche.ed.gov>

December 2022

The National Center for Homeless Education (NCHE) operates the U.S. Department of Education's technical assistance center for the federal Education for Homeless Children and Youth (EHCY) Program. NCHE is supported by the U.S. Department of Education's Office of School Support and Accountability. The contents of this brief were developed under a grant from the Department; however, these contents do not necessarily reflect the views or policies of the Department.



For more information on issues related to the education of children and youth experiencing homelessness, contact the NCHE helpline at 800-308-2145 or homeless@serve.org.

Local Contact Information:

